

TOWN OF ABINGDON, VIRGINIA
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 3, 2006 – 7:30 P.M.
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Tuesday, January 3, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys
Dr. French H. Moore, Jr., Vice Mayor
Mr. Robert M. Howard
Mr. Thomas C. Phillips, Jr.
Mr. Edward B. Morgan

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager
Greg Kelly, Town Attorney
Mark Godbey, Finance Director
C. M. Vernon, Jr., Public Works Director
Garrett Jackson, Planning Director
Jim Smith, Town Engineer
Chris Johnson, Parks & Recreation Director
Tony Sullivan, Police Chief
Linda F. Wilson, Town Clerk

Visitors: Doug Meade, Kathy Lowe, Dene Peterson, Lee Saltonstall,
Jan & Sam Hurt, Catherine Harper, Sonya & David Farris,
Jonathan Richardson of Abingdon-Virginian, Samantha Sieber
of Bristol Herald Courier, Carol Fields of Washington County
News and others

B. APPROVAL OF MINUTES – December 5, 2005 Regular Meeting &
December 7, 2005 Public Hearing

Mr. Phillips noted that on page 2005-88, prior to paragraph 5 of the December 5, 2005 minutes, he had asked Mr. Smith what sort of compromise he would suggest?

Mr. Smith replied that he had worked with Mr. Jackson and would suggest taking the siding down on the front of the property. Mr. Smith had also talked with the contractor who did the work about the condition of the original wood. The contractor thought that it could be brought back enough; scraped, puttied and repainted so that the actual wood on the dormer of the front of the house that faces Valley Street would not have to be replaced.

Mr. Phillips asked Mr. Smith, you are aware of the interest our community has in Plumb Alley. Would you consider doing the back of the house?

Mr. Smith replied that the problem with the back is there are so many corners. There's a stoop in the back. So much work was done to complete the back to get the siding on there, and it would require more work to bring the paint back. Mr. Smith believed it would really be unduly burdensome to the Clines in this circumstance, given the considerations he had mentioned about when the work was originally seen and could it have been stopped. Mr. Smith didn't know the exact point in time and how far the construction was along when it was first observed to be out of compliance with the requirements.

Mr. Smith added, if you walk down the Alley, from Plumb Alley, facing the back of the residence, there's a great big pine tree on the left and there's a privacy hedge, so you cannot see the property as well from Plumb Alley as you can from Valley Street.

Mr. Phillips asked, if the Council affirms the decision of the Board, would you consider asking the Clines to file an amended request with the Board setting forth their suggestions for a compromise.

Mr. Smith replied, yes sir. He added that they would file an amended request for a Certificate of Appropriateness with that suggested compromise.

Mr. Phillips made the motion to amend the December 5, 2005 minutes as submitted, to include the above 7 paragraphs. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Mr. Phillips made the motion that the minutes of the December 5, 2005 meeting be approved as submitted, as amended above. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Dr. Moore made the motion that the minutes of the December 7, 2005 Public Hearing be approved as printed. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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C. PETITIONS AND PUBLIC HEARINGS

1. PUBLIC HEARING – PROPOSED AMENDMENT

To repeal, amend and reenact Section 8-9-1 of Article 8 OH Old and Historic District of the Zoning Ordinance as follows:

In reviewing each project the Board must follow the suggestions and requirements of the Design Review Guidelines; as such document now exists and may hereafter be revised and amended by the Board. Provided, by either a four to one or unanimous vote the Board may elect to disregard any guidelines it considers unimportant or inappropriate to a particular project.

Greg Kelly, Town Attorney, explained that the purpose of the proposed amendment is to eliminate the need to amend Article 8 OH Old and Historic District of the Zoning Ordinance every time the Board of Architectural Review might revise the Design Review Guidelines.

Mr. Morgan made the following motion: I move that it be Ordained, on first reading, that Section 8-9-1 of Article 8 of the Town of Abingdon Zoning Ordinance, be repealed, amended and reenacted in the form as presented, and that the Council dispense with the second reading of the ordinance pursuant to Chapter 2, Section 2-96 of the Code of the Town of Abingdon. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. AN ORDINANCE TO REPEAL, AMEND AND REENACT SECTION 8-9-1 ROLE OF DESIGN REVIEW GUIDELINES OF ARTICLE 8, OH OLD AND HISTORIC DISTRICT ORDINANCE. (*Ordinance No. 1-2006*)

Mayor Humphreys noted that the approval of *Ordinance No. 1-2006* was acted on in Item C-1 above. (copy attached to and made a part of these minutes)

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E. REPORTS FROM THE TOWN MANAGER

1. Emergency Fuel Needs of Town Residents.
(Doug Meade, Director – Washington County Social Services)

Doug Meade, Director of Washington County Department of Social Services, introduced Kathy Lowe, Director of Faith in Action. Mr. Meade expressed appreciation to Council for the appropriation of \$10,000 to assist Town residents with emergency fuel needs. He added that the funds are disbursed by Faith in Action, pursuant to their guidelines.

Ms. Lowe also expressed appreciation for the \$10,000. She noted that to date, \$3,241 had been spent to assist 15 families in the Town of Abingdon who meet the guidelines.

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2. Proposed Filing Fee for Subdivision Plats.
(Monty Vernon, Public Works Director)

Monty Vernon, Public Works Director, advised that the recently revised Subdivision Ordinance allows for Council to establish reasonable fees, from time to time, for the review of plats. Therefore, he recommended that Town Council revise the current fee schedule, and establish the new fees as set forth in the Subdivision Plat Filing Fee included in the packet.

Mr. Phillips made the motion that the fees, as set forth in the Subdivision Plat Filing Fee, as attached to the Agenda be approved. Dr. Moore seconded the motion. (copy attached to and made a part of these minutes)

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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G. FIRST READING OF ORDINANCES

1. Consideration – The addition of ARTICLE VI. PEDDLERS, VENDORS AND CANVASSERS TO Chapter 18 **BUSINESSES** of the Abingdon Town Code. (*Ordinance No. 2-2006*)

Mr. Kelly explained that the proposed ordinance is the result of a request regarding the operation of a hot dog cart within the Town limits. There are currently no guidelines to oversee the operation of peddlers, vendors, and canvassers. Following a search of other localities, he had found a similar ordinance and modified that to meet the needs of the Town. Mr. Kelly added that he had inadvertently omitted the definition of canvasser in the ordinance. However, subject to Council's approval, he recommended that a definition of canvasser be inserted to the second reading of the ordinance.

Mr. Phillips made the motion to move, on first reading, that the proposal of the enactment of Chapter 18, Sections 18-130 through Section 18-143 (inclusive of all sections and subsections in between) of Article VI of the Code of the Town of Abingdon, be accepted in the form and text as presented, provided that the Town Attorney will, on second reading, insert a definition of canvasser. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Consideration – Request for letter of support – Elderspirit Community & Trailview Development Corp. (Dene Peterson, Executive Director)

Dene Peterson, Executive Director of Elderspirit Community & Trailview Development Corp., advised that their first project is almost complete and their desire is to build a second project. In order to do so, they plan to request a CDBG Planning Grant through the Mt. Rogers Planning District Commission. Ms. Peterson requested that the Town be a sponsor for the CDBG grant.

Discussion included technical and legal issues that might be required for the Town to become a sponsor, and other entities that might consider sponsorship.

The Town Manager advised that the Town plans to submit a grant application for the proposed Artisan's Center in the near future. He added that the Town cannot apply for multiple grants in a given period of time.

Ms. Petersen noted that they plan to request a \$25,000 Planning Grant the first year. It would require a \$25,000 match. She advised that if Council would consider a \$10,000 appropriation, she felt they could raise the remaining \$15,000. The total amount of \$50,000 would be used for engineering services and options for purchasing property.

Mr. Morgan made the motion to endorse the proposed expansion of the Elderspirit project, and that the Town serve as sponsor for the Planning Grant application that will be submitted to the Department of Housing and Community Development, and that the Town Council grant \$10,000 for this purpose, payable upon approval of the grant application by the Department of Housing and Community Development. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Ms. Petersen introduced Bernice Wilson who will be assisting with the second project.

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2. Virginia Highlands Airport Expansion – Concerned Citizens. (Lee Saltonstall)

Lee Saltonstall, a resident of Washington County, made the opening remarks of a presentation regarding the Virginia Highlands Airport expansion project. Ms. Saltonstall advised that their purpose was to provide information that will provoke thought about the long-term implications and invite discussions about alternatives.

Catherine Harper, a former FAA technician/engineer and resident of Bristol, Virginia, reviewed the following as they would pertain to the Town of Abingdon: Airport Overlay and Airport Overlay Authority, Abingdon's Elevation Profile, Flight Path Over Abingdon, Safety Considerations, and Historic Preservation Considerations.

Business owners Margaret Singleton, a resident of Abingdon; and David and Sonya Farris, residents of Washington County, expressed their concerns regarding the flight path, erosion, noise, and safety.

Ms. Saltonstall recommended some actions to be considered by Council regarding the impact that the expansion might have on the Town.

Jan and Sam Hurt, residents of 247 E. Valley Street, and Kyle Macione, a resident of 142 E. Main Street, expressed opposition to the project and how it might affect the quality of life in Abingdon.

Mayor Humphreys advised that the issue would be taken under consideration; however the Town has no authority over the airport expansion. Dr. Moore added that the Town doesn't fund the airport and no longer has any authority over it.

It was the consensus of Council that they were interested in the information that was presented, but would need to study it further.

Ms. Harper noted that the group has requested to speak at the Washington County Board of Supervisors meeting on January 24.

Mayor Humphreys advised that a surprisingly number of people had expressed support for the project. Dr. Moore added that he had received very few complaints from Town residents.

Mr. Phillips suggested to the group that they express their concerns to the Airport Commission and Washington County Board of Supervisors.

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J. MATTERS NOT UPON THE AGENDA

1. Dr. Moore noted that he would like to make a motion concerning the remaining property that the Town owns in the Stone Mill Business & Technology Park.

Dr. Moore made the motion that Council authorize the Town Manager to employ, for a period of one year, the TCI Group-Lowry & Foster, Inc. for the purpose of marketing and listing for sale the remaining tracts of real property in the Stone Mill Business & Technology Park, and to authorize the Town Manager to negotiate both the listing and sales price of each tract with full authority on behalf of the Town of Abingdon to execute all necessary contracts and/or documents to carry out the listing and the sale of each of the said remaining tracts. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. Mr. Morgan noted that he had previously requested Mr. Kelly to review the recordings and minutes of the meetings wherein Council had appropriated \$100,000 to Barter Theatre for the purpose of assisting with the Barter Green project. He asked Mr. Kelly to report.

Mr. Kelly advised that he had reviewed the tape recordings and minutes of the two meetings at which the matter was considered. The tapes and minutes from both of those meetings made it clear that the Council's appropriation of \$100,000 was conditioned upon Barter obtaining the grant from the Tobacco Commission, and not the Appalachian Regional Commission. The motion was specific that the Town's funds would be tied to the Tobacco Commission money, and not to the Appalachian Regional Commission money.

With no further business the meeting was adjourned. The time was 9:30 P.M.

Lois H. Humphreys, Mayor

Linda F. Wilson, Clerk